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MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632Telephone
(330) 877-0700Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3738/Examiner David Willse

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/674,971

Gary K. Michelson

Filed: September 30, 2003

METHOD FOR INSERTING AN INTERBODY
SPINAL FUSION IMPLANT HAVING AN
ANATOMICALLY CONFORMED TRAILING
END (as amended)

Attorney Docker No. 101.0059-02000

Customer No. 22882

Confirmation No.: 4939

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 11

Date: May 16, 2005

Confirmation Copy to Follow: NO

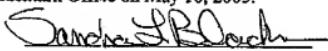
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Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$450.00 total amount to cover the two-month extension fee is to be charged to Deposit Account No. 50-1066) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on May 16, 2005.



Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0059-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 09/674,971

Filed: September 30, 2003

For: METHOD FOR INSERTING AN INTERBODY
SPINAL FUSION IMPLANT HAVING AN
ANATOMICALLY CONFORMED TRAILING
END (as amended)

Confirmation No.: 4939

Art Unit: 3738

Examiner: David Willise

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated December 15, 2004 in the above-identified application.

 No additional fee is required. Applicant hereby requests a two-month extension of time to respond to the above office action.

The fee has been calculated as shown below.

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	25	-	49	-	0	LG=\$50 SM=\$25	\$50 \$ 0
INDEPENDENT CLAIMS FEE	2	-	4	***	0	LG=\$200 SM=\$100	\$200 \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS							
						LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180	\$ 0
TOTAL							

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

A check in the amount of \$____ to cover the above fees is enclosed.

The total amount of \$450.00 to cover the two-month extension of time fees to be charged to Deposit Account No. 50-1066.

The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

05/18/2005 RFEKADU1 00000010 501066 10674971

01 FC:1252 450.00 DA

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 18, 2005

By: 
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

PATENT
Attorney Docket No. 101.0059-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 4939
Gary K. Michelson)
Serial No.: 09/674,971)
Filed: September 30, 2003)
For: METHOD FOR INSERTING AN)
INTERBODY SPINAL FUSION)
IMPLANT HAVING AN)
ANATOMICALLY CONFORMED)
TRAILING END (as amended))

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Office Action dated December 15, 2004, the period for reply having been extended for two (2) months by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims, which begin on page 2 of this paper.

Remarks begin on page 6 of this paper.